

CROWELL & MORING LLP

1001 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20004-2595

(202) 624-2500

FACSIMILE (202) 628-5116

JOHN T. SCOTT, III
(202) 624-2582

March 26, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

EX PARTE OR LATE FILED

Re: MM Docket No. 87-268
Written Ex Parte Presentation

Dear Mr. Caton:

This letter is submitted on behalf of Red River Broadcast Corp. to update its November 22, 1996 "Comments" on the Commission's Sixth Further Notice of Proposed Rule Making ("Notice") in this proceeding to adopt rules and channel allotments for Digital Television (DTV).

At the time Red River filed its Comments, it had pending an uncontested application for a new television station on Channel 46 at Sioux Falls, South Dakota. Red River urged that the Commission (1) protect such applications for new NTSC stations from DTV interference; (2) list such applications in its revised DTV Table of Allotments; and (3) conditionally assign a "paired" DTV channel to each pending uncontested application. Red River requested conditional assignment of a paired DTV channel because the 1996 Telecommunications Act limits eligibility for initial DTV licenses to existing stations and permit holders.

On March 4, 1997, the Commission granted Red River's application (File No. BPCT-941227KI, Memorandum Opinion and Order, DA 97-473). Red River thus now holds a permit to construct the new station on Channel 46. Red River brings this development to the Commission's attention so that the revised DTV table of allotments will list NTSC Channel 46, and also will protect that channel from interference from DTV allotments.

Red River also urges the Commission to permanently assign a paired DTV channel to new Channel 46. With the grant of the permit for this channel, the use of a conditional assignment is no longer necessary; instead a permanent assignment can and should be made. The Notice in this proceeding, however, proposed to limit eligibility for the assignment of paired DTV channels to existing licensees and permittees authorized or with applications pending as of an October 24, 1991

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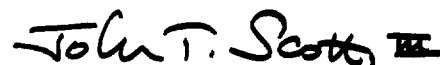
cut-off date. As Red River's comments pointed out, Red River would not qualify for a DTV channel under that proposal because its application was filed after that date.

Imposition of this cut-off date to limit DTV channel eligibility violates the express requirements of the 1996 Telecommunications Act and also fails to serve the public interest. Section 201 of the Act states that the FCC "should limit the initial eligibility for such licenses to persons that, as of the date of such issuance, are licensed to operate a television broadcast station or hold a permit to construct such a station." 47 USC § 336 (emphasis added). Red River is entitled to a DTV channel assignment under Section 201 because it now holds a permit to construct a television station and the Commission has not yet issued DTV licenses.

Assignment of a DTV channel to new Channel 46 and to all other permitted NTSC stations is also clearly in the public interest. In its initial comments, Red River explained why the conditional assignment of DTV channels to uncontested NTSC applications would give the Commission maximum flexibility in designing an efficient allotment scheme for all stations, and would avoid potential interference problems that might complicate the later assignment of a DTV channel. These reasons are even more compelling for the permanent assignment of DTV channels to NTSC stations for which construction permits have been issued. Moreover, the permanent assignment of a DTV channel will create a level playing field for new NTSC station entrants, thereby furthering the Commission's cardinal goal of fostering the development of new broadcast voices. In contrast, failure to assign a paired DTV channel at this time to permit holders such as Red River will frustrate their ability to construct facilities that will achieve the Commission's objective of promoting digital television.

Red River thus urges the Commission to protect NTSC Channel 46, Sioux Falls, South Dakota, from DTV interference, include it in the Revised DTV Table of Allotments, and assign to it a paired DTV channel.

Very truly yours,



John T. Scott, III
Attorney for
Red River Broadcasting, Inc.

cc: Mr. Alan R. Stillwell
Mr. Robert Eckert